

SHER EDLING LLP
PROTECTING PEOPLE AND THE PLANET

April 11, 2022

Via ECF

Clerk of the Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *South Farmingdale Water District v. United States of America, et al.*, 22-cv-2051

(Matsumoto, K.)

South Farmingdale Water District v. Dow Chemical Company et al., 19-cv-1404

(Gershon, N.)

Dear Clerk of the Court:

Pursuant to Local Civil Rule 1.6(a), Plaintiff respectfully requests that the above-captioned actions be marked as “related,” as both actions involve substantially similar facts and legal issues and relating them would result in a substantial saving of judicial resources. Plaintiff further requests that *South Farmingdale Water District v. United States of America, et al.*, case no. 22-cv-2051 be re-assigned to the Honorable Nina Gershon, United States District Judge, who is currently handling, and has been handling since March of 2019, *South Farmingdale Water District v. Dow Chemical Company et al.*, 19-cv-1404.

A. Relevant Rules for Related Cases

Pursuant to Local Civil Rule 1.6(a), “[i]t shall be the continuing duty of each attorney appearing in any civil or criminal case to bring promptly to the attention of the Court all facts which said attorney believes are relevant to a determination that said case and one or more pending civil or criminal cases should be heard by the same Judge, in order to avoid unnecessary duplication of judicial effort.” Further, “[a]s soon as the attorney becomes aware of such relationship, said attorney shall notify the Judges to whom the cases have been assigned.” *Id.*

Additionally, under Rule 50.3.1(a) of the Guidelines for the Division of Business Among District Judges in the Eastern District of New York (“Guidelines”), which were adopted pursuant to 28 U.S.C. § 137, “[a] civil case is ‘related’ to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge.”

Pursuant to Rule 50.3.1(e) of the Guidelines, “[c]ases which have been judicially determined to be related shall be assigned by the clerk to the judge to whom was assigned the case with the lowest docket number in the series of related cases.”

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B. Factual and Legal Similarities Between the Two Cases

Each of the referenced matters involve 1,4-dioxane contamination of public supply wells that require treatment. They involve the same Plaintiff and some of the same wells. The United States, a defendant in *South Farmingdale Water District v. United States of America et al.*, Case No. 22-cv-2051, is a named party in *South Farmingdale Water District v. Dow Chemical Company et al.*, Case No. 19-cv-1404. Additionally, the actions involve similar legal claims and overlapping remedies.

C. Conclusion

Because Judge Gershon is assigned to the matter with the lowest docket number, Plaintiff respectfully asks that Case No. 22-cv-2051 be reassigned to Judge Gershon. Finally, as required by Rule 50.3.1(e) of the Guidelines, the undersigned reached out to counsel for the United States who join in this request for reassignment.

Respectfully submitted,



Matthew K. Edling

cc: Counsel for the United States